

1983 No. 1049

LEGAL AID AND ADVICE, ENGLAND AND WALES
COURTS—MARTIAL (APPEALS)The Legal Aid in Criminal Proceedings (Costs) (Amendment
No. 2) Regulations 1983

<i>Made - - - -</i>	14th July 1983
<i>Laid before Parliament</i>	22nd July 1983
<i>Coming into Operation</i>	1st September 1983

The Lord Chancellor, in exercise of the powers conferred by section 39 of the Legal Aid Act 1974(a) and now vested in him(b) and all other powers enabling him in that behalf and having had regard to the principle of allowing fair remuneration according to the work actually and reasonably done, hereby makes the following Regulations:

1. These Regulations may be cited as the Legal Aid in Criminal Proceedings (Costs) (Amendment No. 2) Regulations 1983 and shall come into operation on 1st September 1983.

2. In regulation 2 of the Legal Aid in Criminal Proceedings (Costs) Regulations 1982(c), after the words “‘legal executive” means a fellow of the Institute of Legal Executives;” insert the following words:

“‘proceedings in a magistrates’ court” includes, for the purposes of these Regulations, proceedings in connection with an application for bail to the Crown Court after the issuing of a certificate under section 5 (6A) of the Bail Act 1976(d);”.

Hailsham of St. Marylebone, C.

Dated 14th July 1983.

(a) 1974 c. 4.

(b) S.I. 1980/705.

(c) S.I. 1982/1197, as amended by S.I. 1983/235.

(d) 1976 c. 63, as amended by section 60 of the Criminal Justice Act 1982 (c. 48).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Legal Aid in Criminal Proceedings (Costs) Regulations 1982, defining "proceedings in a magistrates' court" as including proceedings in connection with an application for bail to the Crown Court, bail having been refused in the magistrates' court after a fully argued bail application. The costs of such applications (which are covered by any legal aid order made in respect of the magistrates' court proceedings) will therefore be determined under the 1982 Regulations as though they were proceedings in the magistrates' court and not in the Crown Court.

SI 1983/1049
ISBN 0-11-037049-X



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